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CITY OF NEWTON, MASSACHUSETTS

Department of Planning and Development

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Public Hearing Date:	March 14, 2006
Land Use Action Date:	May 2, 2006
Board of Aldermen Action Date:	May 15, 2006
90-Day Expiration Date:	June 12, 2006

TO: Board of Aldermen
Planning and Development Board

FROM: Michael Kruse, Director of Planning and Development
Nancy Radzewicz, Chief Planner
Jean Fulkerson, Principal Planner

DATE: April 7, 2006

SUBJECT: **Supplemental Memo**
Petition #102-06(2) KESSELER DEVELOPMENT, LLC petition for a **CHANGE OF ZONE** from **SINGLE RESIDENCE 3** to **MULTI RESIDENCE 3** for a parcel of land located on LaGrange Street, Ward 8, identified as Section 82, Block 37, Lot 95, and shown as **Lot H-1** on a Subdivision Plan of Land in Newton MA, "Toomey-Munson & Associates, Inc.," dated April 28, 2004, recorded with the Middlesex South County Registry of Deeds in Plan Book 2005, page 102.

Petition #102-06(3) KESSELER DEVELOPMENT LLC petition for a **SPECIAL PERMIT/SITE PLAN APPROVAL** to construct a condominium complex consisting of three (3) structures with one (1) multi-family residence of 52 dwelling units and two (2) single-family attached dwelling structures with a total of 10 units for a combined total of 62 dwelling units with accessory parking on land located on LaGRANGE STREET, Ward 8, known as Section 82, Block 37, Lot 95, and shown as **Lot H-1** on a Subdivision Plan of Land in Newton MA, "Toomey-Munson & Associates, Inc.," dated April 28, 2004, recorded with the Middlesex South County Registry of Deeds in Plan Book 2005, page 102, containing approximately 640,847 sf of land in a **PROPOSED MULTI RESIDENCE DISTRICT 3**.

CC: Mayor David B. Cohen

The purpose of this memorandum is to provide the Board of Aldermen, Planning and Development Board, and the public with technical information and planning analysis which may be useful in the decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be

other information that will be presented at or after the public hearing that the Land Use Committee will consider in its discussion at a subsequent Working Session.

EXECUTIVE SUMMARY OF THE PETITIONS

This is a supplement to the **Planning Department** Memo dated March 10, 2006 on Petition #102-06(2) and #102-06(3). As previously noted, the petitioner is proposing a 62 unit residential development on a portion of land known as Kessler Woods. The 640,847 sq. ft. (14.71 acre) site is accessed off of LaGrange Street, at the Newton/Brookline border and near the Boston City Line and is currently zoned Single Residence 3 (SR3). The property is part of the former Boston Edison (now NStar) land purchased by the applicant and the City of Newton through a **Cooperative Bidding Agreement**, originally dated June 20, 2003, and as amended most recently on September 19, 2005. As proposed, the project would include a 52 **unit multi-family** dwelling and 10 single-family attached dwelling units in two townhouse style structures.

Although single-family attached dwellings are permitted by special permit in the SR3 District (minimum lot size of 1 acre), multi-family developments are not permitted, either by right or by special permit under the current Single Residence 3 zoning. As such, the petitioner is seeking approval for a change in zone to **Multi-Residence 3 (MR3)**. Under the proposed MR3 zoning, the petitioner is seeking approval of a special permit for the proposed 52 unit multi-family dwelling and 10 single-family attached dwellings. **In** addition, the petitioner is seeking waivers from the parking ordinance (Section 30-19) to allow for some of the parking spaces to be narrower than the minimum required width, lighting levels below 1.0 ft. candles, and the required bicycle racks to be located within the lower level garage of the multi-family structure instead of near the main entrance. In addition, the petitioner is seeking a special permit to alter the grade by more than three feet. A special permit is also necessary to allow for a **directional** sign to be over 3 sq. ft. in area.

Because the proposed multi-family structure exceeds the maximum permitted height and number of stories currently allowed, either by right or special permit, in the proposed MR3 District, the petitioner has also filed a petition for a change to the text of the Zoning Ordinance to allow a multi-family dwelling structure to have a maximum building height of 48 feet and a maximum number of stories of 4, by special permit, for lots with a **minimum** of 10 acres, provided that the multi-family dwelling structure is at least 150 feet from the street and at least 75 feet from abutting properties. Because that proposed text amendment is not site specific, that petition will be heard by the Planning and Development Board and the Zoning and Planning Committee of the Board of Aldermen.

If the Board of Aldermen denies the petition for the proposed text amendment to the dimensional controls in the MR 3 District and/or denies the petition to rezone the property from SR3 to MR3, the current project cannot be constructed as proposed.

Since the public hearing on March 14, 2006 the petitioner has provided supplemental materials to City Departments. Some City staff also provided additional materials for the Land Use Committee's review.

SUMMARY OF MATERIALS

Revised Site Plans

- Change in design of front parking circle
- Width of roadway narrowed, designated pull-off parallel parking added
- Parking across from pool changed to angle parking
- Sidewalk extended to full circumference of Building A (Multi-Family)
- Secure gate added for pedestrian access to pool
- Walkways to townhouses narrowed
- Environmental concerns
- Location of sewer connection
- Detention tank discharge system
- Location of sidewalks and crosswalks on LaGrange Street

II. Revised Landscape Plan

- Location of trees in vegetated buffer zone
- Upgrade to entrance sign
- Plant Protection Plan

DI. Revised Architectural Plans

- Handicap Stalls now of standard size
- Corrections to 4th floor plans
- Relative Building Heights
- Views from Conservation Land

IV. Comments from Town of Brookline

I. SITE PLAN AND LAYOUT

Because of concerns raised by the Fire Department the petitioner has revised the road layout to better accommodate the turning radius of the City's fire trucks. (*See new "Fire Access Route Plan," Sheet 1 of 1, dated 3/14/06*) Where the parking area at the front of the main building had been designed as a semi-circle, the drop-off and parking area is now more of a complete circle, which can accommodate the turning radius of a fire truck. This change required the removal of 8 standard vehicle parking spaces from the entrance circle.

The Planning Department expressed concern that with a width of 20 ft., any parked vehicles on the loop road will prevent the Fire Department from setting up fire truck outriggers during a fire emergency. In response to this concern, the petitioner narrowed the width of the loop road to 16 ft., except for portions at the front entrance, which the Fire Department requested to be at 24 ft. for access. Parking along the loop road will be prohibited, except in designated parking spaces located along the loop road. **The total number of surface parking spaces is now 24, with a total of parking count of 143 spaces. The minimum total required is 124. The Fire Department is expected to review and date stamp the petitioner's plans as approved before the April 11 public hearing.**

The parking area across from the pool was revised to **45-degree angle parking** from 90-degree parking. This will further emphasize the one-way aspect of the loop road.

The sidewalk skirting Building A (Multi-family structure) and the loop road was relocated to the outside edge of the loop road, and extended to continue around the entire length of the loop road. This will allow future residents to walk to the pool or fitness center, or elsewhere within the site. The path system also now includes a second entrance to the pool and play area from the sidewalk with a secure gate. **The convenience and usability of the sidewalk system is improved as a result of these changes.**

The width of the walkways leading to the front door of each townhouse was altered slightly to reduce the amount of impervious surface and to provide a more organic layout.

The single dumpster located at the rear of the loop road, accompanied by two parking spaces, was removed by the petitioner from the site plan. In its place are two smaller dumpsters, each located on the driveways to the townhouse groupings. There is no parking associated with these dumpsters, and the overall amount of impervious surface is reduced.

The Associate City Engineer raised some concern that the petitioner's plans for connecting to the sewer main in LaGrange Street would bring the proposed development within the 100 ft. wetland buffer zone, and therefore require a review before the Conservation Commission. A response from the City's Senior Environmental Planner is contained in the attached memo (*see ATTACHMENT A - Memo from Martha Horn, dated March 28, 2006*). According to the Senior Environmental Planner, "as long as all proper erosion and sedimentation control procedures are followed for the installation of the sewer line in LaGrange Street, the developer *will not* [sic] have to file a notice of intent with the Conservation Commission."

The Senior Environmental Planner recommended that the proposed drainage system be revised to include detention tanks that use a more dispersed method of discharge to mimic natural flow patterns, rather than a single point discharge as is currently proposed.

At the site visit conducted March 30, 2006, City staff and certain Alderman raised the question of the appropriate location for sidewalks and crosswalks along LaGrange Street. The petitioner is expected to comment on the proposed location of sidewalks and crosswalks at the April 11 public hearing.

II. REVISED LANDSCAPE PLANS

The approximate location of 135 Eastern White Pines are now shown on the *"Landscape Plan, Sheet 2, revised 4/1/06 by Mary Smith and Associates"*. A note on the plan indicates that the locations were determined on a site walk with Marc Welch, the City's Superintendent of Forestry Services. The exact locations will be field located by the landscape architect and will follow guidelines established by the City's Superintendent of Forestry Services.

The same infill trees are shown on *"LaGrange Street and Town line Vegetative Buffer Plan, Sheet 2a, revised 4/1/06, by Mary Smith and Associates"*.

At the urging of the Planning Department, the petitioner upgraded its proposed sign program, as shown on the revised *"Sheet 3, Elevations, revised 4/1/06"* by Mary Smith and Associates. Where the first sign package called for a wood, pole-mounted free standing sign at the main entrance, the entry sign is now designed as a wood, double-faced sign, mounted on a stone

veneer wall. ***The introduction of stone improves the overall appearance of the sign and reflects a higher quality of development.*** The interior directional signs remain unchanged. The Photometric Plan was also revised to show a minor change in the lighting as a result of the change in the construction of the sign. No new additional issues are raised by the Photometric Plan.

The petitioner's *"Tree Removal Plan, Sheet 1, revised 4/1/06"* now includes a note describing the petitioners proposed plant protection plan. The Planning Department has asked to City's Superintendent of Forestry Services to provide further comments.

REVISED ARCHITECTURAL PLANS

Based on the concerns of the peer review traffic report, the petitioner revised its garage floor plan of Building A. **All four handicap stalls now meet the minimum dimensions required by the Revised Zoning Ordinance.** In the previous plan, two of the handicap parking stalls were undersized. This change was accomplished by the removal of the first floor locker rooms from the fitness center, and without losing any standard parking stalls. As in the previous plan, there is a total of 99 parking stalls in the first floor garage of building A, of which 50 spaces are still substandard as to width (8 ft. 3 inches rather than 9 0 inches).

The petitioner also included an "Enlarged Parking Bay" figure on the same sheet, which is meant to show that the columns located in the parking stalls in this first floor garage will not interfere with vehicle car doors. The Planning Department notes that this does not address the peer reviewer's comments related to the maneuverability of an SUV into these parking spaces. The petitioner should show graphically how an SUV will maneuver in and out of these spaces in its presentation at the April 11 public hearing.

The revised *"Building A, 4th Floor Plan"* corrects a minor error in the location of the stairways in the duplex units.

At the request of the Land Use Committee, the petitioner provided a new sheet; *"Building Relative Heights Plan" dated 4/1/06, by The Architectural Team.* This plan shows the height of each building, in several different locations, based on the heights of sea level. For example, the height of Building A at the connector of the two main wings is 38 ft. (Top 232 – Grade 194 = 38 ft.). Elsewhere on the building the height is 45 ft. (Top 239 – Grade 194 = 45 ft.). This plan also shows that where the high point of Building A is 243.7 ft. above sea level, the high point of Building B is 212.5 ft. and Building C 209 ft.

The final revision to the Architectural Plans is the addition of a sheet with two site views, titled, *"View from Conservation Land from Northwest,"* and *"View from Conservation Land at LaGrange."* These are computer generated images that show the final appearance of the proposed development from two locations within the area controlled by either conservation easement or owned as conservation land. The petitioner is expected to describe these images more fully at the April 11 public hearing.

IV. COMMENTS FROM TOWN OF BROOKLINE

The Planning Department received a letter from the Town of Brookline Department of Planning and Community Development, in which it comments on this petition, including a sketch conceptual alternative design sketch. (*See ATTACHMENTB, Letter from Town of Brookline.*) Among the concerns raised by the Planning Director are the scale of the grade changes and the impact of the site disturbance (including blasting) on Rangeley Road, the amount of proposed tree removal, and building height. The Planning Director also requests to receive a preliminary construction management plan for review and comment.

ATTACHMENTS

ATTACHMENT A: Memo from Martha Horn to John Daghlion, March 28, 2006

ATTACHMENTB: Letter from Town of Brookline, Jeff Levine, Director of Planning and Community Development, March 29, 2006.

DEPARTMENT OF PLANNING AND DEVELOPMENT
CITY OF NEWTON
Massachusetts

INTER-OFFICE CORRESPONDENCE

DATE: March 28, 2006
TO: JOHN DAGHLIAN, ASSOC. CITY ENGINEER
FROM: MARTHA J. AHERIN HORN, SR. ENVIRONMENTAL PLANNER
SUBJECT: KESSELER WOODS PROJECT — LAGRANGE STREET



After a brief review of the plans for the new Cornerstone project off LaGrange Street, I offer the following comments:

1. Sewer installation will occur in the 100' Buffer Zone to the wetland and bank associated with the east branch of Saw Mill Brook. As long as all proper erosion and sedimentation control procedures are followed for the installation of the new sewer line in LaGrange Street, the developer will not have to file a Notice of Intent with the Conservation Commission. The Commission expects that the construction will be in compliance with the Engineering Department's standards and their own standard condition (see language below). Cornerstone will be working very close to the open brook and it is hoped that they will do the work quickly, backfill promptly and plate or pave the street as soon as possible to avoid wetland issues. Any erosion or sedimentation into the wetland will result in enforcement actions.

Standard Condition: All soils must be contained on the site during the period of construction until stabilization can occur. City streets shall be kept clean and catch basins in the immediate area shall be protected from eroding soils. Containment and protection measures shall include, but are not limited to, a row of staked hay bales across the street frontage of the property except for a driveway opening; a paved driveway or a driveway consisting of crushed stone or other material which will catch loose soils and prevent their deposition on the city streets; wheel washing stations; weighted hay bales surrounding catch basins; catch basins fitted with silt bags or catch basin grates wrapped with filter fabric and cleaned on a regular basis; and any other measures deemed necessary to keep the city streets and catch basins clean.

2. The proposed drainage design employs detention tanks and point source discharges into the adjacent wetland areas outside of the Commission's jurisdiction. This design does not attempt to mimic the existing flow patterns and could result in hydrological changes in these wetland resource areas. It would be preferable to modern the design to replicate the existing flow patterns and characteristics to maintain the existing wetla

cc: VI. Fulkerson
N. Radzevich



Town of Brookline

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Jeffrey R. Levine, AICP
Director

Alderman George Mansfield
Chair, Land Use Committee
Newton Board of Alderman
1000 Commonwealth Avenue
Newton, MA 02459

March 29, 2006

RE: Petition #102-06(2) – Change of Zone from SR3 to MR3
Petition #102-06(3) - Special Permit/ Site Plan Approval for Kessler Development LLC

Dear Alderman Mansfield:

The Department of Planning and Community Development has reviewed the recently filed Kessler Development, LLC petitions related to the residential development proposed on LaGrange Street (Section 82, Block 37, Lot 95). This development, consisting of 62 residential units will have a significant impact on the surrounding neighborhood, particularly the single family homes on Rangely Road, immediately east of the project site. As such, we are submitting the following comments for your review and consideration:

Site Planning

While the current proposal consumes less land than the earlier "preferred" plan, it could be improved further. As currently designed, it excessively impacts neighbors on Rangely Road. Of particular concern is the loop road design which results in an excessive amount of impervious area. An alternative strategy could include a smaller footprint that is located closer to Lagrange Street. This may result in the preservation of a larger portion of the existing knoll, while allowing a more substantial for the abutting single family residences. To illustrate this concept, we have prepared a conceptual design sketch for your review (please see attached).

Site Disturbance and Impacts on Neighbors

We are concerned about the impact that site construction may have on the homes of nearby neighbors. The current proposal includes an extensive amount of grading throughout the development site. Nearly the entire site will have grade changes that exceed three feet. We encourage alternative development

plans that more effectively preserve the existing hilly topography, mature woodlands, and rock outcrops that distinguish the site. Additionally, a less invasive site development approach will reduce the amount of blasting and grading work, reducing the potential impact on abutting properties. It appears that there will be a 20' cut to get down to the garage elevation in the main building which will include rock excavation. At a minimum, we request that the developer be required to conduct a preconstruction house survey of the properties on Rangeley Road to help ensure that they are not adversely affected by project construction.

Drainage

A project of this scale could have a significant impact on site drainage, particularly for the immediate neighborhood. A reduction in the amount of impervious surfaces (roadways, parking areas, and building footprints) along with a well-designed drainage system could help mitigate these concerns. The Town of Brookline's Engineering staff has reviewed the proposed site plan and stormwater calculations for the project with respect to the impact for the residential homes on Rangeley Road which abut the project. If built as designed in the documentation provided, the stormwater runoff from the proposed project should have no effect on residential properties on Rangeley Road. As long as the proposed erosion control is in place, sediment runoff should also not be an issue.

Landscaping

The proposed removal of 291 trees (8 caliper inches or greater) will dramatically alter the character of the site. Many of these trees could be maintained with a more compact development pattern that preserves a larger portion of the natural landscape. Additionally, every effort should be made to add additional dense landscaping to screen abutting properties.

Building Design

The proposed building height is not consistent with the abutting single-family neighborhood. Transitions in building massing should be utilized to better relate to the one and two-story homes to the east. The project should also utilize quality materials (natural wood, stone) that complement this wooded setting.

Construction Management Plan

The Town of Brookline has a strong interest in the management of construction activity on this site and would like to receive a copy of the preliminary construction management plan for review and comment.

Impact of Zoning Change on Brookline

The proposed text change that permits more flexibility for large parcels may have unintended consequences for the Town of Brookline if applied to large parcels on the Town's boundary. For example, a developer could purchase multiple MR-3 properties to assemble a single parcel that meets the 10 acre minimum lot size. We would request that we be consulted early in the possible development process of any large parcel bordering the Town of Brookline.

Thank you for the opportunity to comment on this important development project. We look forward to the opportunity to comment further as the development plans for Kessler Woods progress.

Letter to City of Newton re: Kessler Woods development
April 6, 2006
Page 3

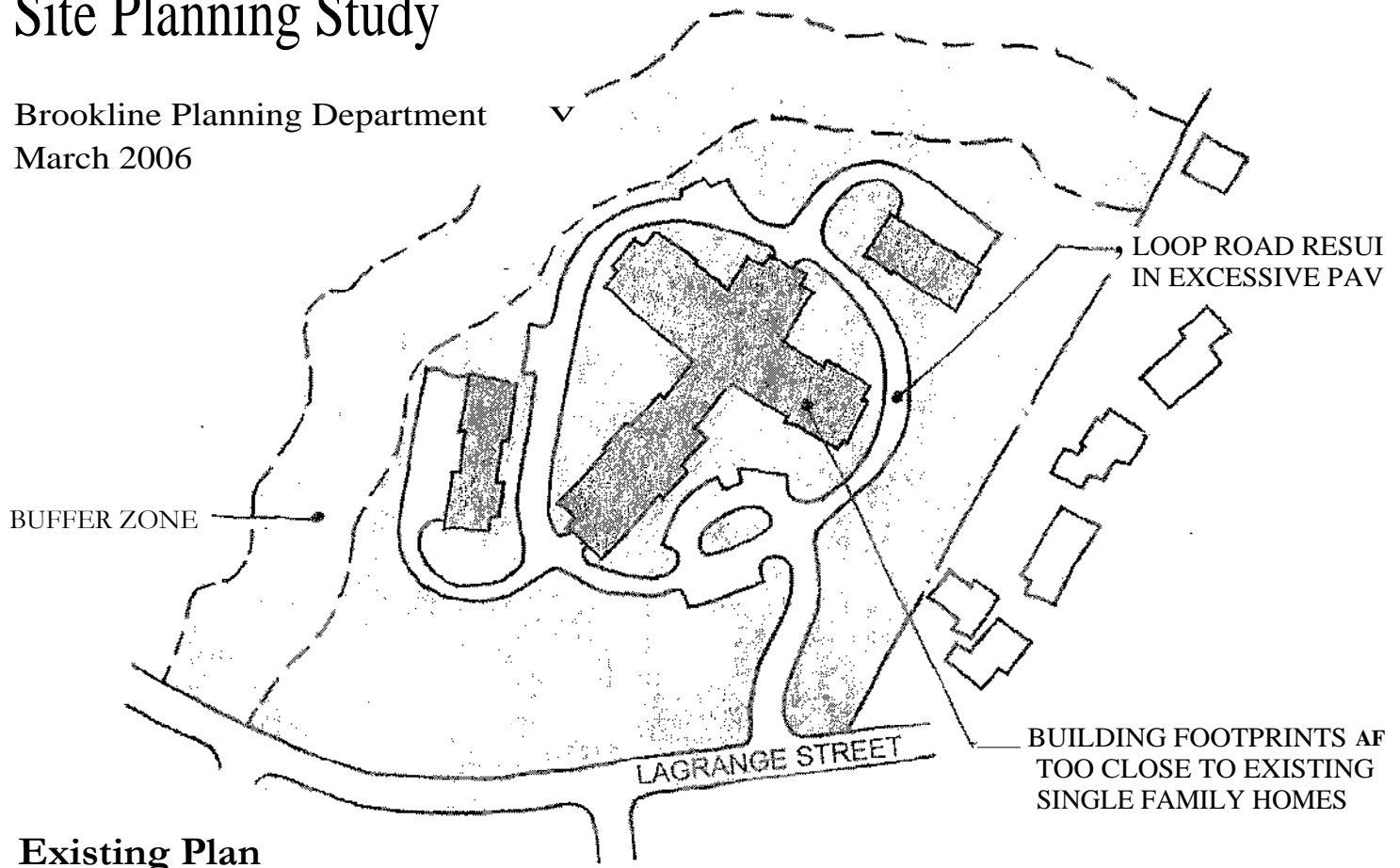
Sincerely,

Jeffrey R. Levine, AICP
Director

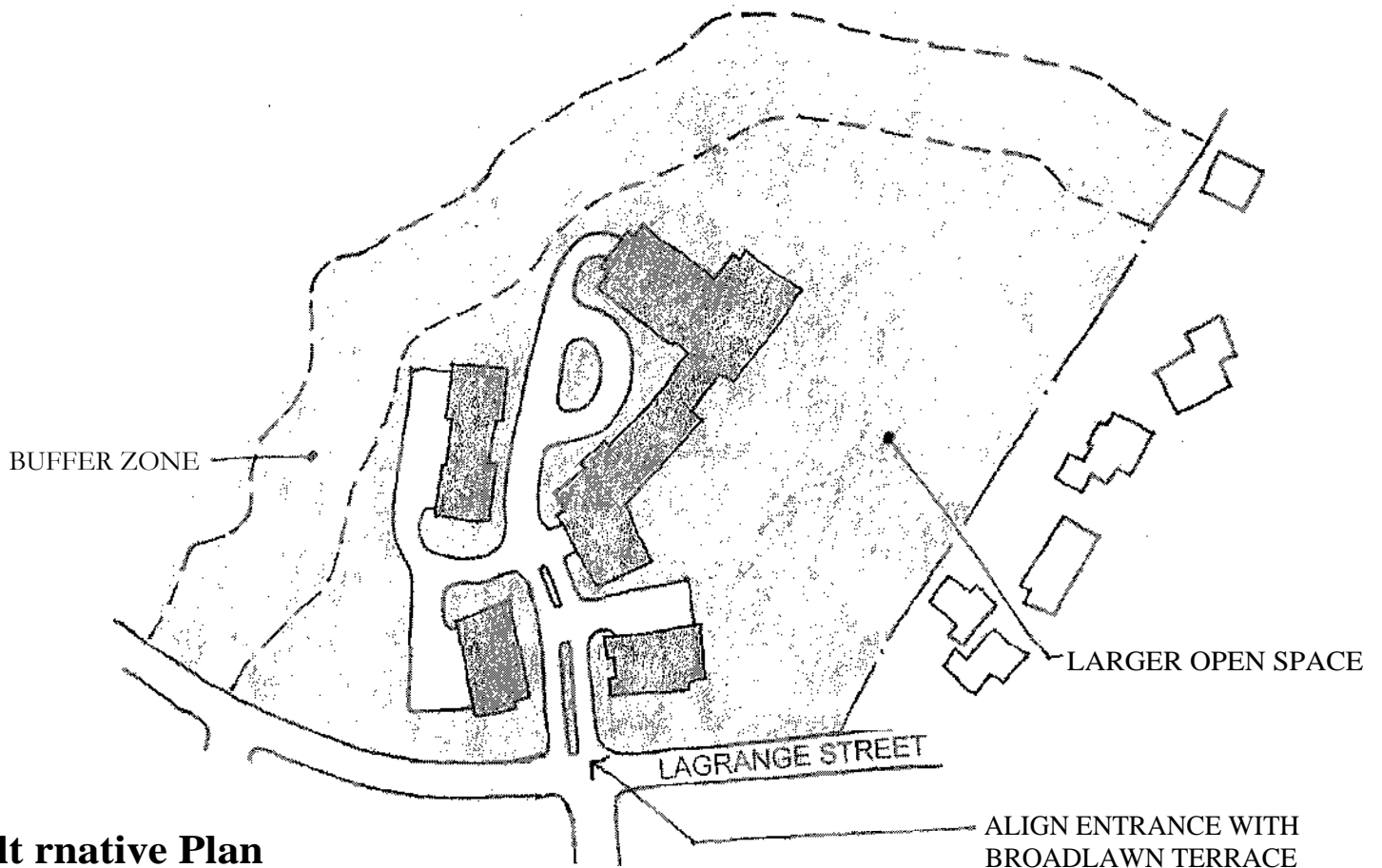
cc: Newton Board of Alderman
 Newton Planning and Development Board
 Mayor David B. Cohen
 Michael Kruse, Director of Planning & Development, City of Newton
 Nancy Radzevich, Director of Planning & Development, City of Newton
 Town Meeting Members Precincts 15 & 16
 Brookline Board of Selectmen
 Richard Kelliher, Town Administrator, Town of Brookline
 Peter Ditto, Director of Engineering and Transportation, Town of Brookline
 Steven and Ann Freedman, 71 Rangeley Rd., Chestnut Hill, MA., 02467
 Anne and John Decker, 140 Vine St., Chestnut Hill, MA, 02467

Kesse er Woods Site Planning Study

Brookline Planning Department
March 2006



Existing Plan



Alternative Plan